


By  ~~David Anderson~~

H. J.R. No. 42

A JOINT RESOLUTION

1 proposing a constitutional amendment to establish a public safety
2 fund through the imposition of a sales and use tax for the funding
3 of prisons and related correctional facilities and activities and
4 for the payment and redemption of certain bonds.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article VIII of the Texas Constitution is amended
7 by adding Section 7-c to read as follows:

8 Sec. 7-c. (a) In addition to the general state retail sales
9 and use tax imposed by statute, there is imposed a state retail
10 sales and use tax at the rate of one-half of one percent of the
11 value of all taxable items subject to the statutory general sales
12 and use tax. The tax imposed by this section does not apply to
13 motor vehicles subject to the statutory sales, rental, transfer,
14 and use tax on motor vehicles. The tax is imposed and shall be
15 collected and enforced in the same manner as the statutory general
16 state sales and use tax. A change in the law relating to the items
17 subject to the statutory general state sales and use tax also
18 applies to the tax imposed by this section. The revenue collected
19 from the tax imposed by this section shall be deposited in a fund
20 in the state treasury to be called the public safety fund.

21 (b) Until the governor makes the certification provided by
22 Subsection (c) of this section, money in the public safety fund may
23 be used only for the acquisition of property for and the
24 construction of state prisons and other state correctional

1 facilities.

2 (c) If the governor on the recommendation of the Texas Board
3 of Corrections finds that the state of emergency in the state
4 prison system existing on the date this section is approved by the
5 voters no longer exists and that existing state prisons and other
6 state correctional facilities are adequate to provide for the needs
7 of the state, the governor shall certify that finding to the
8 legislature and the comptroller of public accounts. After the
9 governor's certification, bonds may not be issued under Article
10 III, Section 49-h, of this constitution and the comptroller shall
11 use the money that accrues to the public safety fund as follows:

12 (1) to redeem before maturity all outstanding bonds
13 that have been issued under Article III, Section 49-h, of this
14 constitution to the extent permitted by the terms of those bonds;
15 and

16 (2) after redeeming the outstanding bonds that may be
17 redeemed before maturity under Subdivision (1) of this subsection,
18 to establish sinking funds in the amount required to make all
19 future payments of principal and interest on all other outstanding
20 bonds issued under Article III, Section 49-h, of this constitution.

21 (d) The comptroller shall certify to the legislature and the
22 governor when the comptroller has redeemed the bonds and
23 established the sinking funds provided by Subsection (c) of this
24 section. After the comptroller's certification, revenue in the
25 public safety fund may be used only for the acquisition of property
26 for and the construction, maintenance, and operation of state
27 prisons and other state correctional facilities.

1 (e) For purposes of administration of the tax imposed by
2 this section, Section 2 of the joint resolution proposing the
3 constitutional amendment adding this section takes effect as a
4 statute according to its terms. The provisions of Section 2 and
5 the amendments made by Section 2 are subject to amendment in the
6 same manner as any other statute.

7 (f) This section takes effect and the tax provided by this
8 section begins to be imposed on the first day of the next calendar
9 quarter that begins at least 30 days after the date the governor
10 proclaims that this section has been adopted as part of this
11 constitution. This subsection expires January 1, 1991.

12 SECTION 2. (a) Section 151.051, Tax Code, is amended by
13 adding Subsection (c) to read as follows:

14 (c) The rate provided by Subsection (b) of this section does
15 not include the tax imposed by Article VIII, Section 7-c, of the
16 Texas Constitution.

17 (b) Section 151.053(b), Tax Code, is amended to read as
18 follows:

19 (b) The comptroller may publish schedules and brackets of
20 amounts of taxes based on the formula provided by Subsection (a) of
21 this section for use in the collection of the taxes imposed by this
22 chapter and by Article VIII, Section 7-c, of the Texas
23 Constitution.

24 (c) This section takes effect on the date on which Article
25 VIII, Section 7-c, of the Texas Constitution, as proposed by
26 Section 1 of this joint resolution, and the tax imposed by that
27 proposed Article VIII, Section 7-c, take effect. If that proposed

1 constitutional amendment is not approved by the voters, this
2 section has no effect.

3 SECTION 3. The constitutional amendment proposed by Section
4 1 of this joint resolution shall be submitted to the voters at an
5 election to be held on May 6, 1989. The ballot shall be printed to
6 provide for voting for or against the proposition: "The
7 constitutional amendment to establish a public safety fund to
8 alleviate the emergency conditions in the state prison system, to
9 redeem or repay outstanding bonds issued for state correctional and
10 mental health facilities, and to fund other correctional
11 activities."

By Hollowell
David Hudson

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to establish a public safety fund through the imposition of a sales and use tax for the funding of prisons and related correctional facilities and activities and for the payment and redemption of certain bonds.

JAN 23 1989

1. Filed with the Chief Clerk.

FEB 8 1989

2. Read first time and referred to Committee on

Ways & Means

3. Reported favorably (as amended) and sent to Printer at (as substituted)

4. Printed and distributed at

5. Sent to Committee on Calendars at

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

11. Ordered Engrossed at

12. Engrossed.

13. Returned to Chief Clerk at

14. Sent to the Senate.

Chief Clerk of the House

15. Received from the House

16. Read, referred to Committee on

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

20. Regular order of business suspended by (a viva voce vote.) _____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

22. Read second time passed to third reading by: (a viva voce vote.) _____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

_____ 24. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 25. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 26. Returned to the House.

_____ 27. Received from the Senate (with amendments.)
(as substituted.)

_____ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 29. Conference Committee Ordered.

_____ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 31. Ordered Enrolled at _____